

Remarks

Applicants would like to thank the Office for entering the Applicants' amendment and response dated November 2, 2007, received by the U.S. Patent and Trademark Office on November 7, 2007.

Claims 1 and 4-23¹ were pending in this application, one or more of which have been rejected. By way of this amendment, claims 1, 4, 7, 8, 13 and 20-23 have been amended to more fully claim the subject invention and claims 5 and 6 have been canceled without prejudice. Support for the claims amendments can be found in the originally filed specification. *No new matter has been added.*

The foregoing amendments were made solely in an effort to expedite prosecution and allowance of the present application. The applicants reserve the right to pursue the claims as originally filed in this or a separate application(s).

Accordingly, upon the entry of the present amendment and response, claims 1 and 4, 7-23 will remain pending.

Nonstatutory Provisional Obviousness-Type Double Patenting Rejection

Claims 1, 2 and 4-9 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1-3 of copending application no. 11/110,325.

As an initial matter, Applicants note that claim 2 was canceled in the response filed on May 17, 2007, thereby rendering this rejection moot with respect to that claim. Regarding claims 1 and 4-9, without acquiescing to the validity of this rejection and solely in an effort to expedite allowance of the pending claims, Applicants submit that the Applicants will consider filing a terminal disclaimer upon the determination of the allowable subject matter.

Anticipation Rejection

Claims 1, 2 and 4-23 have been rejected under 35 USC § 102(a)/(e) as allegedly being anticipated by U.S. Patent Publication No. 2003005204 in the name of Pearl *et al.* (hereinafter referred to as "*Pearl*").

As discussed above, Applicants respectfully submit that claim 2 was canceled in the response filed on May 17, 2007, thereby obviating this rejection moot with respect to

¹ Applicants note that the Office Action Summary sheet erroneously lists claims 1, 2 and 4-23 as pending, however, claim 2 was previously canceled in the response filed on May 17, 2007.

that claim. With respect to other claims, Applicants respectfully traverse the rejection as discussed *infra*.

For a prior art reference to anticipate a claimed invention under 35 U.S.C. §102, the prior art reference must teach ***each and every limitation*** of the claimed invention. See, *Lewmar Marine v. Barient* 827 F.2d 744, 3 USPQ2d 1766 (Fed. Cir. 1987). For at least the reasons enunciated in the response filed on November 2, 2007, and *infra*, *Pearl* fails to teach or suggest each and every limitation of the claimed invention.

The claimed invention is generally directed to a process for forming a filtration module. Each of the independent claims in the instant case encompass a step which requires ***heat sealing a thermoplastic polymeric composition to an edge or perimeter of a spacer layer***. Also, see, for example, paragraph [0026] of the corresponding U.S. patent publication no. US20040226875.

In contrast, the process described in *Pearl* requires ***heat sealing a thermoplastic polymeric composition onto end portions of a membrane***. See, e.g., paragraph [0011] of *Pearl*.

Furthermore, the process encompassed by the claimed methods uses ***direct heat sealing***. In contrast, the process described in *Pearl* employs ***indirect heat sealing***. See, for example, paragraph [0011], according to which

[t]he final step of indirect heat sealing of thermoplastic polymeric composition preliminary sealed to the membrane layers then is selectively effected to form fluid flow channels that separate feed and retentate from filtrate within the module

In view of the foregoing, Applicants submit that *Pearl* fails to teach or suggest each and every limitation of the claimed invention, as recited in the independent claims 1, 7, 13, 20-23 and claims depending therefrom, and accordingly, request reconsideration and withdrawal of this rejection.

Conclusion

In view of the foregoing amendments and arguments, allowance of the instant application with all pending claims is respectfully solicited. If a telephonic conversation with Applicants' attorney would help expedite the prosecution of the above-identified application, the Examiner is urged to call the undersigned at the number below. Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account no. 13-3577.

Respectfully submitted

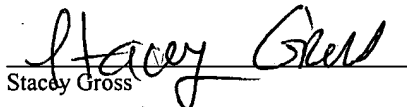


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The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 4, 2008.


Stacey Gross